



1997 SENATE BILL 320

October 15, 1997 - Introduced by Senators BURKE, MOEN, DECKER and PLACHE, cosponsored by Representatives CULLEN, KRUG, LORGE and LA FAVE. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** 805.13 (4) of the statutes; **relating to:** providing the jury with
2 an explanation regarding the results of their findings.

Analysis by the Legislative Reference Bureau

Under current law, in civil actions the court is required to instruct the jury on the law involved in the case before the jury. In addition, the court provides the jury with a complete set of written instructions that provide the burden of proof and the substantial law to be applied to the case. This bill adds the requirement that the court must explain to the jury the legal conclusions that will follow from the jury's possible findings. In addition, the bill permits counsel for each party to comment on the court's explanation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 805.13 (4) of the statutes is amended to read:
4 805.13 (4) INSTRUCTION. The court shall instruct the jury before or after closing
5 arguments of counsel. Failure to object to a material variance or omission between
6 the instructions given and the instructions proposed does not constitute a waiver of

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1 error. The court shall provide the jury with one complete set of written instructions
2 providing the burden of proof and the substantive law to be applied to the case to be
3 decided. The court shall explain to the jury the legal conclusions that will follow from
4 its possible findings and shall permit counsel for each party to comment on the court's
5 explanation.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to actions commenced on the effective date of this
8 subsection.

9 (END)